



New South Wales

Residential Tenancies Amendment (Protection of Personal Information) Bill 2025

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill is to amend the *Residential Tenancies Act 2010* as follows—

- (a) to require a landlord or landlord's agent to make disclosures in relation to exclusive supply networks, the use of digitally generated or altered images and other prescribed information when advertising residential premises for rent,
- (b) to require a landlord or landlord's agent to disclose the existence of an exclusive supply network for residential premises, and the relevant services supplied under the network, before entering into a residential tenancy agreement for the premises,
- (c) to require a landlord or landlord's agent to give a rent record to a tenant when a tenancy terminates,
- (d) to allow a tenant who applies for consent to keep a pet within 7 days after entering into a residential tenancy agreement to keep the pet until the landlord gives a written response,
- (e) to apply the Australian Privacy Principles to landlords, agents of landlords and persons employed or engaged by landlords, agents of landlords or tenants to deal with tenants' personal information (each a ***residential tenancy entity***),
- (f) to provide for additional measures to protect tenants' personal information, including in relation to the collection, use and destruction of personal information and penalties for contraventions,
- (g) to increase the penalties for offences relating to terms that must or must not be included in residential tenancy agreements, amounts payable by a tenant before or on entering into a residential tenancy agreement and the way rent is paid,

- (h) to authorise the Civil and Administrative Tribunal (the *Tribunal*) to restrict the collection, use or disclosure of personal information by a residential tenancy entity, to require a residential tenancy entity to give access to, or to destroy, amend or de-identify, personal information held by the entity, and to make an order of compensation for economic loss suffered because of a contravention of the new measures to protect tenants' personal information,
- (i) to require landlords, agents of landlords and database operators to give a person, on request, a copy of personal information about the person listed in a residential tenancy database,
- (j) to provide for regulation-making powers in relation to the protection of tenants' personal information.

Outline of provisions

Clause 1 sets out the name, also called the short title, of the proposed Act.

Clause 2 provides for the commencement of the proposed Act.

Schedule 1 **Amendment of Residential Tenancies Act 2010** **No 42**

Schedule 1[1] amends section 3 to insert definitions consequential on other amendments in Schedule 1.

Schedule 1[2] amends section 22 to increase the penalties that apply if a landlord—

- (a) fails to use the prescribed residential tenancy agreement form, or
- (b) fails to include all required terms in a residential tenancy agreement, or
- (c) includes a prohibited term in a residential tenancy agreement.

Schedule 1[3] inserts proposed section 22B, which requires a landlord or landlord's agent to disclose in an advertisement or other offer relating to residential premises for rent—

- (a) the existence of an exclusive supply network for the supply of electricity, gas, hot water, chilled water, internet access or another service prescribed by the regulations (a *relevant service*), and the relevant service supplied, and
- (b) the use of digitally generated or altered images if the images are reasonably likely to mislead or deceive a person, and
- (c) the information required by the regulations.

Schedule 1[4] amends section 23 to increase the penalties that apply if a landlord contravenes requirements limiting the amounts payable by a tenant before or on entering into a residential tenancy agreement.

Schedule 1[5] inserts proposed section 26(2B) and (2C) to require a landlord or landlord's agent to disclose to a tenant before entering into a residential tenancy agreement any relevant service provided to the residential premises under an exclusive supply network. **Schedule 1[6]** amends section 26(3) to provide that the requirements in proposed section 26(2B) only apply to a landlord's agent if the agent is aware of the matters to be disclosed.

Schedule 1[7] and [8] amend section 35 to increase or provide for the penalties that apply if a landlord or landlord's agent contravenes requirements relating to the way rent is paid.

Schedule 1[9]–[11] amend section 37 to provide for penalties to apply if a landlord or landlord's agent contravenes requirements relating to keeping a rent record and providing a rent record to a tenant on written request.

Schedule 1[12] inserts proposed section 37A to require a landlord or landlord's agent to give a tenant, within 7 days after the termination of a residential tenancy agreement or the period specified in the regulations, a rent record for the tenancy period.

Schedule 1[13] inserts proposed section 73B(1A) to allow a tenant who applies for consent to keep a pet within 7 days after entering into a residential tenancy agreement to keep the pet until the landlord gives a written response.

Schedule 1[15] amends section 187(2) to authorise the Tribunal to make orders of compensation for economic loss suffered by a person as a result of a contravention of proposed Division 1A or 1B in Part 11.

Schedule 1[16] substitutes the heading to Part 11.

Schedule 1[17] amends section 209 to insert definitions consequential on proposed Divisions 1A, 1B and 3 in Part 11.

Schedule 1[19] amends section 209 to substitute the definition of *residential tenancy database* to clarify its scope and to align the definition with inserted definitions consequential on proposed Divisions 1A, 1B and 3 in Part 11.

Schedule 1[21] inserts proposed Divisions 1A and 1B into Part 11 to set out protections for the personal information of tenants. **Schedule 1[14], [18], [20], [22], [29], [31] and [38]** make consequential amendments. The proposed divisions comprise proposed sections 210–210G.

Proposed section 210 adopts the Australian Privacy Principles under the *Privacy Act 1988* of the Commonwealth.

Proposed section 210A applies the Australian Privacy Principles to residential tenancy entities in relation to personal information about tenants.

Proposed section 210B provides that the protections for tenants' personal information under proposed Division 1B apply in addition to the Australian Privacy Principles.

Proposed section 210C requires a landlord or an agent of a landlord to offer a tenant a way of giving personal information directly. The proposed section also provides that a residential tenancy entity may only collect personal information directly from the tenant unless the tenant consents to the information being collected in another way or the regulations permit the information to be collected in another way. Proposed section 210C(3)(b) may be a Henry VIII provision because the provision will enable the regulations to impliedly amend the *Residential Tenancies Act 2010* by affecting the application of the Act.

Proposed section 210D requires a residential tenancy entity to use an approved form for a residential tenancy application and provides that a residential tenancy entity must not accept a tenancy application from a person before the person inspects the residential premises, with certain exceptions.

Proposed section 210E provides that a residential tenancy entity may collect a tenant's identity verification information only if the landlord intends to enter into a residential tenancy agreement with the tenant and notifies the tenant in writing of the intent.

Proposed section 210F prohibits a residential tenancy entity that holds personal information about a tenant that was collected in contravention of Part 11 or the regulations from using the information to verify the tenant's identity or to determine the tenant's ability to pay rent or whether the tenant is reasonably likely to fulfil the obligations of a tenant. It also requires the entity to destroy the information. The regulations may provide for circumstances in which the requirements do not apply. Proposed section 210F(3) may be a Henry VIII provision because the provision will enable the regulations to impliedly amend the *Residential Tenancies Act 2010* by affecting the application of the Act.

Proposed section 210G authorises the Tribunal to make orders restricting the collection, use or disclosure of personal information by a residential tenancy entity or requiring an entity to give access to, or to destroy, amend or de-identify, personal information held by the entity.

Schedule 1[23] amends section 211 to provide for a penalty to apply if a landlord or agent of a landlord who uses a residential tenancy database in deciding whether a residential tenancy agreement should be entered into with a person contravenes requirements to give the person

written notice and information about how to seek a copy of the information and how and in what circumstances the person can have the information removed or amended.

Schedule 1[24] and [25] amend section 212 to clarify that a landlord or agent of a landlord may list personal information in a residential tenancy database only if it is relevant to the matters set out in section 212 relating to the person's breach of a residential tenancy agreement and to provide for a penalty for listing personal information in contravention of the section's requirements.

Schedule 1[26] amends section 213 to increase the penalties that apply if a landlord or agent of a landlord lists personal information about a person in a residential tenancy database without disclosing the information to the person and considering the person's submissions or when a database operator lists personal information in a database other than at the request of a landlord or agent in accordance with Part 11.

Schedule 1[27] amends sections 213(3) and 213A to replace the defined term *landlord's agent* with the broader defined term *agent of a landlord* to align with other provisions relating to residential tenancy databases.

Schedule 1[28] amends section 213A to increase the penalties that apply if a landlord or agent of a landlord lists in a residential tenancy database personal information about a person whose tenancy was terminated because the person was in circumstances of domestic violence.

Schedule 1[30] substitutes section 214(2) and (2A) to align the requirements for accuracy of personal information listed in a residential tenancy database with the Australian Privacy Principles and to provide for penalties to apply if a landlord or agent of a landlord contravenes the requirement to give written notice to the database operator if the landlord or agent becomes aware that listed information is inaccurate, ambiguous, out-of-date, incomplete, irrelevant or misleading.

Schedule 1[32] and [33] amend section 215 to require a residential tenancy database operator to amend personal information in the residential tenancy database, or remove the information from the database, within the prescribed period, or if no period is prescribed as soon as practicable, after receiving notice from the landlord or agent of a landlord that the information must be amended to make it accurate, unambiguous, complete and not misleading or must be removed. The amendment also increases the penalties that apply when an operator contravenes this requirement.

Schedule 1[34] substitutes section 216 to add a requirement for a landlord, agent of a landlord or database operator to confirm, within the prescribed period after a person's request, or if no period is prescribed as soon as practicable, whether personal information about the person is listed in a residential tenancy database. The proposed section also increases the penalty that applies if a database operator charges a fee for giving a person a copy of personal information about the person held in the database, consistent with the penalty applying to landlords and agents. A landlord, agent of a landlord or database operator is not required to give a person a copy of information if the person has previously been given the information, unless required under the regulations. Proposed section 216(6)(d) may be a Henry VIII provision because the provision will enable the regulations to impliedly amend the *Residential Tenancies Act 2010* by affecting the application of the Act.

Schedule 1[35] amends section 217(2) to add authority for the Tribunal to make an order in relation to personal information held in a residential tenancy database if the information is held in contravention of the requirements in Part 11 or the regulations.

Schedule 1[36] substitutes section 218(1)(a) to require a database operator to remove personal information from a residential tenancy database at the end of 3 years, the period required by the Australian Privacy Principles or the period required by the regulations, whichever is shortest.

Schedule 1[37] amends 218(1) to provide for penalties to apply if a database operator keeps personal information in a residential tenancy database for longer than the period required under section 218.

Schedule 1[39] inserts proposed Division 3 into Part 11 to provide for regulation-making powers in relation to—

- (a) additional requirements for residential tenancy entities and database operators relating to the collection, use, disclosure, management, security and destruction of tenants' personal information, and
- (b) access to, and the correction of, personal information, and
- (c) matters relating to record-keeping and giving and receiving written information and communications, and
- (d) the application of specified provisions of proposed Division 1B and the regulations to public sector agencies, and
- (e) the creation of offences.



New South Wales

Residential Tenancies Amendment (Protection of Personal Information) Bill 2025

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This PUBLIC BILL, originated in the LEGISLATIVE ASSEMBLY and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

Legislative Assembly

Clerk of the Legislative Assembly



New South Wales

Residential Tenancies Amendment (Protection of Personal Information) Bill 2025

No , 2025

A Bill for

An Act to amend the *Residential Tenancies Act 2010* to adopt the Australian Privacy Principles for residential tenancy entities; to provide for additional measures to protect personal information about tenants held by residential tenancy entities and residential tenancy database operators; and for other purposes.

The LEGISLATIVE COUNCIL has this day agreed to this Bill with/without amendment.

Legislative Council

Clerk of the Parliaments

Tabling copy

The Legislature of New South Wales enacts—	1
1 Name of Act	2
This Act is the <i>Residential Tenancies Amendment (Protection of Personal Information) Act 2025</i> .	3
	4
2 Commencement	5
This Act commences as follows—	6
(a) for Schedule 1[13]—on the date of assent to this Act,	7
(b) otherwise—on a day or days to be appointed by proclamation.	8

Schedule 1 Amendment of Residential Tenancies Act 2010 No 42

[1] Section 3 Definitions

Insert in alphabetical order in section 3(1)—

exclusive supply network means—

(a) an arrangement under which—

(i) the supply of a relevant service to residential premises is arranged other than by the tenant of the residential premises, and

(ii) the tenant is unable to choose an alternative supplier of the relevant service, or would be required to install infrastructure for the delivery of the service or to pay a network connection charge, to be able to choose an alternative supplier, and

Note— An exclusive supply network is sometimes referred to as an embedded network.

(b) another arrangement for the supply of a relevant service prescribed by the regulations.

holds, in relation to personal information, has the same meaning as in the *Privacy Act 1988* of the Commonwealth.

personal information has the same meaning as in the *Privacy Act 1988* of the Commonwealth.

relevant service means the following—

(a) electricity,

(b) gas,

(c) hot water,

(d) chilled water,

(e) internet access,

(f) another service prescribed by the regulations.

rent record—see section 37(1).

[2] Section 22 Offence relating to terms of residential tenancy agreements

Omit the penalty. Insert instead—

Maximum penalty—

(a) for an individual—50 penalty units, or

(b) otherwise—300 penalty units.

[3] Section 22B

Insert after section 22A—

22B Disclosure of certain matters in advertising

(1) A landlord or landlord's agent must not advertise or otherwise offer for rent residential premises that include an exclusive supply network unless the following is stated in the advertisement or offer—

(a) the fact the residential premises include an exclusive supply network,

(b) the relevant service supplied under the exclusive supply network,

(c) other information prescribed by the regulations.

Maximum penalty—

(a)	for an individual—50 penalty units, or	1
(b)	otherwise—200 penalty units.	2
(2)	A landlord or landlord’s agent must not include in an advertisement or other offer relating to residential premises offered for rent digitally generated or altered images that would be reasonably likely to mislead or deceive a person unless the following is stated in the advertisement or offer—	3
(a)	the fact the images are digitally generated or altered,	4
(b)	other information prescribed by the regulations.	5
	Maximum penalty—	6
(a)	for an individual—50 penalty units, or	7
(b)	otherwise—200 penalty units.	8
(3)	The Secretary may issue guidelines in relation to determining whether digitally generated or altered images would be reasonably likely to mislead or deceive a person.	9
(4)	It is a defence to an offence under subsection (1) if a landlord’s agent shows that the agent did not know, and could not reasonably have found out, the matters required to be stated.	10
(5)	A landlord or landlord’s agent must not advertise or otherwise offer residential premises for rent unless the information required by the regulations is stated in the advertisement or offer.	11
	Maximum penalty—	12
(a)	for an individual—50 penalty units, or	13
(b)	otherwise—200 penalty units.	14
(6)	The regulations may prescribe the form and way in which information under this section must be stated.	15
[4]	Section 23 Limit on amounts payable by tenant before agreement	16
	Omit section 23(1) and (2), penalties. Insert instead—	17
	Maximum penalty—	18
(a)	for an individual—50 penalty units, or	19
(b)	otherwise—200 penalty units.	20
[5]	Section 26 Disclosure of information to tenants generally	21
	Insert after section 26(2A)—	22
(2B)	Disclosure of exclusive supply network	23
	If a residential tenancy agreement relates to residential premises that include an exclusive supply network, the landlord or landlord’s agent must disclose the following before the tenant enters into the residential tenancy agreement—	24
(a)	the fact the residential premises include an exclusive supply network,	25
(b)	the relevant service supplied under the exclusive supply network,	26
(c)	other information prescribed by the regulations.	27
(2C)	The regulations may prescribe the form and way in which information must be disclosed under subsection (2B).	28
[6]	Section 26(3)	29
	Omit “(2) and (2A)(b)”. Insert instead “(2), (2A)(b) and (2B)”.	30

[7] Section 35 Tenant must be offered way to pay rent that is free and convenient	1
Omit section 35(2)–(5), penalties. Insert instead—	2
Maximum penalty—	3
(a) for an individual—50 penalty units, or	4
(b) otherwise—200 penalty units.	5
[8] Section 35(7), penalty	6
Insert at the end of section 35(7)—	7
Maximum penalty—	8
(a) for an individual—50 penalty units, or	9
(b) otherwise—200 penalty units.	10
[9] Section 37 Rent records	11
Insert at the end of section 37(1)—	12
Maximum penalty—	13
(a) for an individual—50 penalty units, or	14
(b) otherwise—200 penalty units.	15
[10] Section 37(2), penalty	16
Insert at the end of section 37(2)—	17
Maximum penalty—	18
(a) for an individual—50 penalty units, or	19
(b) otherwise—200 penalty units.	20
[11] Section 37(3), penalty	21
Insert at the end of section 37(3)—	22
Maximum penalty—	23
(a) for an individual—50 penalty units, or	24
(b) otherwise—200 penalty units.	25
[12] Section 37A	26
Insert after section 37—	27
37A Landlord must give rent record on termination	28
(1) A landlord or landlord’s agent must, on the termination of a residential tenancy agreement, give the tenant a written statement setting out the particulars of the rent record for the tenancy period.	29 30 31
(2) The landlord or agent must give the written notice—	32
(a) within the prescribed period after the termination of the residential tenancy agreement, or	33 34
(b) if no period is prescribed—within 7 days after the termination.	35
Maximum penalty—	36
(a) for an individual—50 penalty units, or	37
(b) otherwise—200 penalty units.	38
(3) The regulations may provide for the following—	39

(a)	the information required to be included in or excluded from the statement in specified circumstances,	1
(b)	a requirement the statement be given in the form and way approved by the Secretary,	3
(c)	the circumstances that require the statement to be given within a period other than 7 days,	5
(d)	if the statement must be given within a period other than 7 days—the prescribed period.	7
[13]	Section 73B Keeping of pets with landlord’s consent	9
	Insert after section 73B(1)—	10
(1A)	A tenant who, within 7 days after entering into a residential tenancy agreement, applies under section 73C for the landlord’s consent to keep an animal at the residential premises may keep the animal at the premises until the landlord gives the tenant a written response under section 73D.	11
[14]	Section 187 Orders that may be made by Tribunal	15
	Insert after section 187(2)(b)—	16
(b1)	economic loss suffered by a person as a result of a contravention of a provision of Part 11, Division 1A or 1B or the regulations made under Part 11, Division 1A, 1B or 3,	17
[15]	Section 187(2)(c)	20
	Omit “ambiguous or out-of-date”.	21
	Insert instead “ambiguous, out-of-date, incomplete, irrelevant or misleading”.	22
[16]	Part 11, heading	23
	Omit the heading. Insert instead—	24
	Part 11 Privacy and protection of personal information	25
[17]	Section 209 Definitions	26
	Insert in alphabetical order—	27
	<i>APP entity</i> has the same meaning as in the <i>Privacy Act 1988</i> of the Commonwealth.	28
	<i>Australian Privacy Principle</i> has the same meaning as in the <i>Privacy Act 1988</i> of the Commonwealth.	30
	<i>contravene</i> , in relation to an Australian Privacy Principle, includes to do or fail to do an act, or engage or fail to engage in a practice, that breaches the Australian Privacy Principle.	32
	<i>identity verification information</i> , in relation to a tenant, means personal information about the tenant that is prescribed by the regulations.	35
	<i>organisation</i> has the same meaning as in the <i>Privacy Act 1988</i> of the Commonwealth.	37
	<i>public sector agency</i> has the same meaning as in the <i>Privacy and Personal Information Protection Act 1998</i> .	39
	<i>residential tenancy entity</i> —see section 210A(1).	41

[18] Section 209, definition of “personal information”	1
Omit the definition.	2
[19] Section 209, definition of “residential tenancy database”	3
Omit the definition. Insert instead—	4
<i>residential tenancy database</i> means a database—	5
(a) containing personal information about a person in connection with the person’s—	6
(i) former occupation of residential premises under a residential tenancy agreement, and	7
(ii) breach of the residential tenancy agreement, and	8
(b) the purpose of which is for use by landlords or agents of landlords for checking a person’s tenancy history to decide whether a residential tenancy agreement should be entered into with the person.	9
[20] Section 210 Application of Part	10
Omit the section.	11
[21] Part 11, Divisions 1A and 1B	12
Insert after Division 1—	13
Division 1A Australian Privacy Principles	14
210 Australian Privacy Principles	15
The Australian Privacy Principles, as in force from time to time, are adopted.	16
210A Application of Australian Privacy Principles	17
(1) In this part, <i>residential tenancy entity</i> means the following persons unless the person is a public sector agency—	18
(a) a landlord,	19
(b) an agent of a landlord,	20
(c) a person employed or engaged by a landlord or agent of a landlord to collect, hold, use or disclose tenants’ personal information in relation to the rental of residential premises, the administration and management of tenancies or matters arising from tenancies, including in relation to the following—	21
(i) advertising or showing residential premises for rent,	22
(ii) receiving and administering applications for tenancies and verifying tenant identification,	23
(iii) offering to enter into, preparing and entering into residential tenancy agreements,	24
(iv) providing services before and when residential tenancy agreements are entered into relating to the commencement of the tenancies and tenant transitions,	25
(v) administering residential tenancy agreements,	26
(vi) another function or activity prescribed by the regulations relating to the rental of residential premises, the administration and management of tenancies or matters arising from tenancies,	27

	(d)	a person employed or engaged by a tenant to collect, hold, use or disclose personal information about the tenant in relation to the rental of residential premises or the administration and management of tenancies for the purpose of sharing the information, directly or indirectly, with a landlord or agent of a landlord in connection with a tenancy, an application for a tenancy or a residential tenancy agreement,	1 2 3 4 5 6
	(e)	another person prescribed by the regulations.	7
	Note—	The <i>Privacy and Personal Information Protection Act 1998</i> requires public sector agencies to comply with the information protection principles provided for by that Act.	8 9 10
(2)		The Australian Privacy Principles apply to a residential tenancy entity in relation to personal information about a tenant.	11 12
(3)		For subsection (2), the Australian Privacy Principles apply to a residential tenancy entity in the same way as the Principles apply under the <i>Privacy Act 1988</i> of the Commonwealth to—	13 14 15
	(a)	an APP entity that is an organisation under that Act, and	16
	(b)	an entity that is treated under that Act as if it were an organisation.	17
(4)		To apply the Australian Privacy Principles in accordance with this section—	18
	(a)	the <i>Privacy Act 1988</i> of the Commonwealth, sections 6, 6A(1), 8 and Part III, Division 2 apply, and	19 20
	(b)	a reference in the Australian Privacy Principles or the provisions referred to in paragraph (a) to an APP entity that is an organisation under that Act must be read as a reference to a residential tenancy entity.	21 22 23
(5)		A residential tenancy entity must not, in relation to personal information about a tenant, contravene an Australian Privacy Principle.	24 25
		Maximum penalty—	26
	(a)	for an individual—100 penalty units, or	27
	(b)	otherwise—450 penalty units.	28
(6)		A person found guilty or acquitted of an offence against the <i>Privacy Act 1988</i> of the Commonwealth cannot be found guilty of an offence against this part in relation to the same act or omission.	29 30 31
Division 1B Privacy and protection of personal information			32
210B	Application in addition to Australian Privacy Principles		33
	This division applies in addition to the Australian Privacy Principles.		34
210C	Direct collection of personal information		35
(1)		A landlord or agent of a landlord who intends to collect personal information about a tenant must offer the tenant a way of giving the information directly to the landlord or agent.	36 37 38
		Maximum penalty—	39
	(a)	for an individual—50 penalty units, or	40
	(b)	otherwise—200 penalty units.	41
(2)		A residential tenancy entity may collect personal information about a tenant only directly from the tenant.	42 43
		Maximum penalty—	44
	(a)	for an individual—50 penalty units, or	45

	(b) otherwise—200 penalty units.	1
(3)	Subsection (2) does not apply if—	2
	(a) the tenant consents to the information being collected in another way, or	3
	(b) the regulations permit the information to be collected in another way.	4
(4)	The regulations may prescribe ways personal information may be, or must not be, collected directly from a tenant.	5
	Note— A <i>tenant</i> is defined in this Act as including a prospective tenant.	6
		7
210D	Tenancy application	8
(1)	A residential tenancy entity may collect personal information relating to an application for a tenancy only in the approved form.	9
	Maximum penalty—	10
	(a) for an individual—50 penalty units, or	11
	(b) otherwise—300 penalty units.	12
(2)	Subject to subsection (3), a residential tenancy entity must not accept a tenancy application from a person before the person inspects the residential premises.	13
	Maximum penalty—	14
	(a) for an individual—50 penalty units, or	15
	(b) otherwise—200 penalty units.	16
(3)	Subsection (2) does not apply if the person states in writing that the person is unable to, or does not wish to, inspect the residential premises before submitting the application.	17
		18
		19
		20
		21
		22
210E	Collection of identity verification information	23
	A residential tenancy entity may collect identity verification information about a tenant only if the landlord—	24
	(a) intends to enter into a residential tenancy agreement with the tenant, and	25
	(b) before collecting the information, notifies the tenant in writing of the landlord's intent.	26
	Maximum penalty—	27
	(a) for an individual—50 penalty units, or	28
	(b) otherwise—200 penalty units.	29
		30
		31
210F	Personal information collected in contravention of requirements	32
(1)	A residential tenancy entity that holds personal information, or documents or other evidence containing personal information, collected in contravention of the requirements of this part or the regulations must not use the information, documents or evidence, including to—	33
	(a) verify a tenant's identity, or	34
	(b) determine—	35
	(i) a tenant's ability to pay the rent payable under a residential tenancy agreement, or	36
	(ii) whether a tenant otherwise is reasonably likely to fulfil the obligations of a tenant of residential premises under this Act and the regulations.	37
	Maximum penalty—	38
		39
		40
		41
		42
		43
		44

(a)	for an individual—50 penalty units, or	1
(b)	otherwise—200 penalty units.	2
(2)	A residential tenancy entity referred to in subsection (1) must destroy the information, documents or evidence within 2 business days after becoming aware the collection of the information, documents or evidence was in contravention of the requirements of this part or the regulations.	3
	Maximum penalty—	4
(a)	for an individual—50 penalty units, or	5
(b)	otherwise—200 penalty units.	6
(3)	Despite subsections (1) and (2), the regulations may provide for the following—	7
(a)	circumstances in which, and the purposes for which, information, documents or evidence referred to in subsection (1) may be used,	8
(b)	the period for which the information, documents or evidence may be held before being destroyed,	9
(c)	circumstances in which the information, documents or evidence are not required to be destroyed.	10
210G	Tribunal orders	11
(1)	The Tribunal may, on application by a person, make one or more of the following orders if satisfied a residential tenancy entity has contravened a provision of Division 1A, this division or the regulations made under Division 1A, this division or Division 3—	12
(a)	an order restricting the collection, use or disclosure of personal information by the residential tenancy entity,	13
(b)	an order requiring the residential tenancy entity to give a person access to personal information about the person held by the entity,	14
(c)	an order requiring the residential tenancy entity to destroy, amend or de-identify personal information as specified in the order.	15
(2)	The Tribunal must give a copy of the order to a person affected by the order.	16
[22]	Section 210H	17
	Insert before section 211—	18
210H	Application of division	19
	This division does not apply to a residential tenancy database kept by an entity, including the Secretary of a Government department or the head of a government department in another State or Territory, for use only by the entity or the entity's staff.	20
[23]	Section 211 Notice of database and listing	21
	Insert at the end of section 211(2)—	22
	Maximum penalty—	23
(a)	for an individual—50 penalty units, or	24
(b)	otherwise—200 penalty units.	25
[24]	Section 212 Listing can be made only for particular breaches by particular persons	26
	Omit “unambiguous.” from section 212(d). Insert instead—	27

	unambiguous, and	1
	(e) the personal information is relevant to the matters described in paragraphs (a) to (c).	2
		3
[25]	Section 212, penalty	4
	Insert at the end of section 212—	5
	Maximum penalty—	6
	(a) for an individual—50 penalty units, or	7
	(b) otherwise—400 penalty units.	8
[26]	Section 213 Further restriction on listing	9
	Omit section 213(1) and (3), penalties. Insert instead—	10
	Maximum penalty—	11
	(a) for an individual—50 penalty units, or	12
	(b) otherwise—200 penalty units.	13
[27]	Sections 213(3) and 213A	14
	Omit “landlord’s agent” wherever occurring. Insert instead “agent of a landlord”.	15
[28]	Section 213A Further restriction on listing—domestic violence	16
	Omit the penalty. Insert instead—	17
	Maximum penalty—	18
	(a) for an individual—50 penalty units, or	19
	(b) otherwise—200 penalty units.	20
[29]	Section 214 Ensuring quality of listing—landlord’s and agent’s obligation	21
	Omit “incomplete, ambiguous or out-of-date” from section 214(1).	22
	Insert instead “ambiguous, out-of-date, incomplete, irrelevant or misleading”.	23
[30]	Section 214(2) and (2A)	24
	Omit section 214(2). Insert instead—	25
	(2) The landlord or agent must give written notice of the following to the database operator that operates the database—	26
	(a) that the information is inaccurate, ambiguous, out-of-date, incomplete, irrelevant or misleading,	27
	(b) if the information is inaccurate, ambiguous, incomplete or misleading—how the information must be amended to make the information accurate, unambiguous, complete and not misleading,	28
	(c) if the information is out-of-date or irrelevant—that the information is out-of-date or irrelevant and must be removed.	29
	(2A) The landlord or agent must give the written notice—	30
	(a) within the prescribed period after becoming aware the information is inaccurate, ambiguous, out-of-date, incomplete, irrelevant or misleading, or	31
	(b) if no period is prescribed—as soon as practicable after becoming aware.	32
	Maximum penalty—	33
	(a) for an individual—50 penalty units, or	34
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	(b) otherwise—200 penalty units.	1
[31]	Section 215 Ensuring quality of listing—database operator’s obligation	2
	Omit “complete and unambiguous” from section 215(1)(a).	3
	Insert instead “unambiguous, complete and not misleading”.	4
[32]	Section 215(2)	5
	Omit the subsection. Insert instead—	6
	(2) The database operator must amend the personal information in the stated way, or remove the information—	7
	(a) within the prescribed period after the notice is given, or	8
	(b) if no period is prescribed—as soon as practicable.	9
	Maximum penalty—	10
	(a) for an individual—50 penalty units, or	11
	(b) otherwise—400 penalty units.	12
[33]	Section 215(3)	13
	Insert after section 215(2)—	14
	(3) The regulations may provide for the period within which the personal information must be amended or removed.	15
[34]	Section 216	16
	Omit the section. Insert instead—	17
216	Confirmation or copies of listed personal information	18
	(1) A landlord or agent of a landlord must, if asked in writing by a person—	19
	(a) confirm whether or not the landlord or agent has listed personal information about the person in a residential tenancy database, and	20
	(b) if the landlord or agent has listed personal information about the person—give the person a copy of the information.	21
	Maximum penalty—	22
	(a) for an individual—50 penalty units, or	23
	(b) otherwise—200 penalty units.	24
	(2) A database operator must, if asked in writing by a person—	25
	(a) confirm whether or not the operator holds personal information about the person, including whether or not personal information about the person is in the residential tenancy database operated by the operator, and	26
	(b) if the operator holds personal information about the person—give the person a copy of the information and specify the information about the person that is in the residential tenancy database, if any.	27
	Maximum penalty—	28
	(a) for an individual—50 penalty units, or	29
	(b) otherwise—200 penalty units.	30
	(3) A landlord, agent of a landlord or database operator—	31

(a)	must give the person the confirmation and a copy of the information, if any—	1
	(i) within the prescribed period after the request is made, or	2
	(ii) if no period is prescribed—as soon as practicable, and	3
(b)	must not charge a fee for giving the confirmation or a copy of the information.	4
	Maximum penalty—	5
(a)	for an individual—50 penalty units, or	6
(b)	otherwise—200 penalty units.	7
(4)	This section does not require a landlord, agent of a landlord or database operator to give a person a copy of the information if the landlord, agent or database operator has previously given the information to the person under this section.	8
(5)	It is a defence to an offence under this section if a landlord, agent of a landlord or database operator shows the landlord, agent or database operator was not able to contact the person who made the request after taking reasonable steps to make contact.	9
(6)	The regulations may provide for the following—	10
(a)	the form and way in which a request under subsection (1) or (2) may or must be made,	11
(b)	the form and way in which a confirmation or a copy of information may or must be given under subsection (1) or (2),	12
(c)	the period within which the confirmation and a copy of the information, if any, must be given under subsection (3),	13
(d)	despite subsection (4), circumstances in which a landlord, agent of a landlord or database operator must give a copy of information to a person to whom the information has previously been given under this section,	14
(e)	what constitutes or does not constitute reasonable steps under subsection (5).	15
[35] Section 217 Disputes about listings		16
	Omit section 217(2)(a). Insert instead—	17
(a)	the residential tenancy database includes personal information about the applicant that—	18
	(i) is inaccurate, ambiguous, out-of-date, incomplete, irrelevant or misleading, or	19
	(ii) is held in contravention of the requirements of this part or the regulations, or	20
	(iii) has been listed on the database for longer than the applicable period specified in section 218(1), or	21
[36] Section 218 Limit on period of listing		22
	Omit section 218(1)(a). Insert instead—	23
(a)	if the Australian Privacy Principles or the regulations require the operator to remove the personal information within a stated period of less than 3 years—	24
	(i) the stated period, or	25

	(ii) if different periods are stated—the shorter of the stated periods, or	1 2
[37]	Section 218(1), penalty	3
	Insert at the end of section 218(1)—	4
	Maximum penalty—	5
	(a) for an individual—50 penalty units, or	6
	(b) otherwise—400 penalty units.	7
[38]	Section 218(4)	8
	Omit the subsection.	9
[39]	Part 11, Division 3	10
	Insert after Division 2—	11
	Division 3 Regulations—privacy and protection of personal information	12 13
218A	Regulations—privacy and protection of personal information	14
	(1) The regulations may provide for the following—	15
	(a) restrictions or prohibitions on the collection of tenants’ personal information by residential tenancy entities, including restrictions or prohibitions in relation to—	16 17 18
	(i) the types of personal information that may be collected, and	19
	(ii) the collection of personal information in specified circumstances or for specified purposes,	20 21
	(b) the methods by which specified types of tenants’ personal information may be, or must not be, collected by residential tenancy entities, including authorising the Secretary to approve the form and way in which information is collected,	22 23 24 25
	(c) restrictions on the documents or other evidence containing personal information residential tenancy entities may request from tenants, including—	26 27 28
	(i) limiting the number and types of documents or other items of evidence that may be requested from tenants, and	29 30
	(ii) requiring residential tenancy entities to permit tenants to choose which of the documents or other items of evidence specified in the regulations to give to the entities,	31 32 33
	(d) without limiting paragraphs (a) to (c), authorisation of the use of digital identity verification services, systems or tools to verify the identity of tenants,	34 35 36
	(e) prohibitions on the use or disclosure of tenants’ personal information by residential tenancy entities or database operators to market financial products or services,	37 38 39
	(f) other restrictions or prohibitions on the use and disclosure of tenants’ personal information by residential tenancy entities or database operators, including restrictions or prohibitions that apply despite the consent of the tenants to the use or disclosure,	40 41 42 43

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| (g) | notification requirements in relation to the collection, use, management and destruction of tenants' personal information by residential tenancy entities or database operators, | 1
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| (h) | requirements for the security of tenants' personal information held by residential tenancy entities or database operators, | 4
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| (i) | the methods by which residential tenancy entities may seek consent from tenants in relation to the collection, use or disclosure of personal information about the tenants, | 6
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| (j) | requirements for the destruction of tenants' personal information held by residential tenancy entities, including prescribing the maximum lengths of time specified types of personal information, or personal information held in specified circumstances or for specified purposes, may be held before being destroyed, | 9
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| (k) | requirements in relation to providing access to, or correcting, tenants' personal information held by residential tenancy entities or listed in residential tenancy databases, including the methods by which tenants may request access to or the correction of personal information, | 14
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| (l) | the application of specified provisions of Division 1B or the regulations to public sector agencies, including prescribing the circumstances in which, and the public sector agencies to which, the provisions apply, | 18
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| (m) | matters relating to giving and receiving information and communications required under this Act to be in writing, including requiring residential tenancy entities and database operators to accept electronic communications, | 21
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| (n) | record-keeping requirements for residential tenancy entities and database operators relating to the requirements of this part, | 25
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| (o) | matters relating to the provision of information by residential tenancy entities or database operators to the Secretary, at the times and in the form and way approved by the Secretary, for the purposes of monitoring the operation of this part. | 27
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| (2) | Despite section 224(3), a regulation made under this section may create an offence punishable by a penalty not exceeding 450 penalty units. | 31
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